

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

TRANSFER CIVIL MISCELLANEOUS PETITION No.235 of 2015

ORDER:

This petition is filed under Section 24 CPC to withdraw H.M.O.P. No.12 of 2015 from the Court of Senior Civil Judge, Gurazala, Guntur District and transfer the same to the file of Family Court, Warangal, for disposal in accordance with law.

2. In spite of service of notice, the respondent did not choose to appear and contest the matter. Heard the learned counsel for the petitioner and perused the material available on record.

3. The marriage of the petitioner was performed with the respondent on 14.6.2012 at Janga Maheswaram Village, Gurazala Mandal, Guntur District, as per the Hindu rites and caste customs. Immediately after the marriage, the petitioner joined the respondent to lead marital life. Basing on the complaint lodged by the petitioner, the Station House Officer, Warangal Women Police Station registered a case in Crime No.148 of 2014 against the respondent and others for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of Dowry Prohibition Act. The respondent filed the H.M.O.P. for dissolution of the marriage between him and the petitioner.

4. The petitioner has been residing at her parents' house at Hanumakonda due to family disputes. The distance between Gurazala and Warangal is about 200 KMs. It may not be possible for the petitioner to travel 200 KMs to attend Senior Civil Judge Court, Gurazala without assistance of one of the male members of the family. It is not the case of the respondent that the petitioner is having sufficient means to maintain herself and defend the case at Gurazala. If the petition is dismissed, it may cause untold hardship to the petitioner. Even if the petition is allowed, the same may not cause any

prejudice to the respondent.

5. As per the principle enunciated in **V.Sailaja v V.Koteswara Rao**^[1], **Sumita Singh v. Kumar Sanjay**^[2] and **Rachna Kanodia v. Anuk Kanodia**^[3], the paramount consideration, in transfer of matrimonial cases, is the convenience of the wife. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered view that the relief sought by the petitioner can be granted.

6. Accordingly, the Transfer Miscellaneous Petition is allowed. H.M.O.P. No.12 of 2015 is withdrawn from the Court of Senior Civil Judge, Gurazala, Guntur District and transferred to the file of Family Court, Warangal, for disposal in accordance with law. As a sequel, miscellaneous petitions, if any pending in this transfer petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 23.6.2015.

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^[1] AIR 2003 AP 178 = 2003 (1) ALD 673 = 2003 (1) APLJ 441

^[2] AIR 2002 SC 396

^[3] 2001 (7) Supreme 96